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Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Seventy-third year

Identical letters dated 10 August 2018 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council

As conditions continue to deteriorate dangerously, I am compelled to write to you once again to draw your attention to the ongoing critical situation in the Occupied Palestinian Territory, including East Jerusalem, and, more specifically, to the grave reality faced by Palestinian civilians as a direct result of the Israeli military occupation.

On 8 August, throughout the night, Israeli occupying forces carried out indiscriminate air strikes across the besieged Gaza Strip, killing three Palestinians, including a 23-year-old pregnant woman, Inas Khammash, and her 18-month-old toddler, Bayan Khammash, as they were in their home in Dayr al-Balah in the central Gaza Strip. Heavy shelling by Israeli warplanes in various areas in Gaza also resulted in the injury of at least nine other Palestinians. We condemn in the strongest terms these Israeli military attacks on the densely populated Gaza Strip, which are further endangering civilian lives and causing damage and destruction to civilian property, including to a cultural centre that is home to the second largest theatre in Gaza.

The intensification of Israel's aggression against the Gaza Strip threatens to further destabilize the situation on the ground and to fully ignite yet another round of deadly violence, which must be avoided at all costs. Such criminal actions by the occupying Power, including the lethal use of force against unarmed civilian protesters, have exacerbated the already severe protection crisis being endured by our people and risk the further ratcheting up of tensions and the destabilization of the situation, which would clearly further threaten international peace and security.

As we have underscored before, such brutal and criminal campaigns against the civilian population of Gaza and Israel's deliberate targeting and killing of Palestinian children are not new, following instead a pattern of wilful killings of Palestinian civilians, including children, throughout the Occupied Palestinian Territory, with total impunity. Clearly, Israel's immoral, inhumane and unlawful actions constitute war crimes and crimes against humanity, for which the international community must finally and fully hold Israel accountable.

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Israel's ongoing use of lethal force against Palestinian civilians and its cruel and callous disregard for human life were also demonstrated during the Great Return March in Gaza on 3 August, as the occupying Power continued its vicious killing of defenceless peaceful protesters, fatally wounding two Palestinians, 15-year-old Muath Ziad al-Suri and 25-year-old Ahmad Yahiya Atallah Yaghi, and injuring more than 220, including 90 with live ammunition. That brings the total number of Palestinians killed since 30 March to nearly 160, including 23 children, and the total number of injured persons to approximately 15,500.

We recall that Palestinian civilians in Gaza are protesting against the unbearable conditions that the Palestinian people have been facing for the past 70 years, including 70 years of dispossession, a 51-year occupation and more than 11 years of an illegal blockade in Gaza, whereby 2 million civilians — including children, women, men, older persons and sick persons — are trapped in an inhumane situation that affects every single aspect of life. As even more suffering is being inflicted on this vulnerable and besieged population, hopes are further diminishing, and this loss of hope is especially prevalent among our youth.

Against this backdrop of criminal activity in Gaza, the occupying Power also continues its endless provocations and illegal actions against the Palestinian people and their holy sites in the Occupied Palestinian Territory, including East Jerusalem, further fuelling already high tensions and continuing to destabilize the fragile situation on the ground.

In this regard, on 8 August, Israeli occupying forces shut down the Ibrahimi mosque in Al-Khalil (Hebron) for a period of 24 hours, preventing Palestinian worshippers from entering to worship and banning the Muslim call to prayer, in violation of international law, including the right to freedom of worship and religion, while allowing only Jewish visitors into the Muslim site.

As long as the world remains silent in the face of these flagrant violations, Israel's brutal colonial and discriminatory project against innocent Palestinians will only continue. The killing and injury of Palestinian men, women and children under Israeli occupation, such as the tragic crimes detailed above, must be addressed. We cannot accept, nor should the international community accept, that a people under occupation for more than five decades be left defenceless, denied the protections of international law, including humanitarian law and human rights law, while the occupying Power is appeased and permitted to continue with its flagrant impunity, disrespecting both the rule of law and the sanctity of human life.

We renew our call to the international community, in particular the Security Council, to ensure the protection of the Palestinian people and the safety and well-being of the defenceless civilian population held captive under an occupation spanning more than half a century, and look forward to the report of the Secretary-General and his proposals on ways and means to provide international protection to the Palestinian people, including through an international protection mechanism, pursuant to General Assembly resolution ES-10/20. We reiterate that the Palestinian civilian population under Israel's occupation, including in the Gaza Strip, must be guaranteed protection and cannot remain the exception to the obligations and commitments made to protect civilians in all circumstances from atrocities and flagrant breaches of the law.

We urge all members of the international community and all relevant organizations to intervene immediately and to exhibit the moral and political courage necessary to put an end to Israel's unlawful and immoral behaviour, including the illegal occupation of Palestinian land and the suffocating blockade of Gaza, in blatant violation of the occupying Power's obligations under international law, and to put an end to Israel's long-standing impunity for international crimes.

The present letter is in follow-up to our 643 previous letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, which constitutes the territory of the State of Palestine. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 27 July 2018 (A/ES-10/792-S/2018/746), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations being committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of the State of Palestine
to the United Nations

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Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Protection of the Palestinian civilian population

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution ES-10/20, in which the Assembly requested the Secretary-General to examine the situation in the Occupied Palestinian Territory and to submit a written report containing, inter alia, his proposals on ways and means for ensuring the safety, protection and well-being of the Palestinian civilian population under Israeli occupation, including recommendations regarding an international protection mechanism. The report contains an assessment of the present situation in the Occupied Palestinian Territory, a review of current efforts to assist Palestinians and an assessment of protection options for Palestinians.

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I. Context

1. The protection of the Palestinian civilian population under Israeli occupation has long been a concern of the international community. The General Assembly has adopted a number of resolutions relating to this issue, including, most notably, resolution 43/21 of 3 November 1988, resolution 44/2 of 6 October 1989, resolution 45/69 of 6 December 1990, resolution 46/76 of 11 December 1991 and resolution 47/64 E of 11 December 1992. Following the outbreak of the first intifada, the Security Council adopted a series of resolutions on the issue, including resolution 605 (1987) of 22 December 1987, resolution 904 (1994) of 18 March 1994 and resolution 1073 (1996) of 28 September 1996. Further to Council resolution 605 (1987), the Secretary-General issued a report on ways and means for ensuring the safety and protection of the Palestinian civilians under Israeli occupation (S/19443), often referred to as the Goulding report, after its principal author. In 2015, the Secretary-General circulated to the Security Council a review of historical precedents for regimes that have been devised to provide various forms of protection for areas of territory and their inhabitants (S/2015/809). Both documents remain relevant as Member States consider potential options for ensuring the safety, protection and well-being of the Palestinian civilian population under Israeli occupation.

2. As noted in the Goulding report, the best way to ensure the safety and protection of the Palestinian civilian population is the negotiation of a comprehensive, just and lasting settlement of the Arab-Israeli conflict. The report identifies four possible types of protection, all of which still apply: physical protection, for example the deployment of armed forces; legal protection, through intervention with the security, judicial and political authorities by an outside agency, such as the United Nations or the International Committee of the Red Cross, in order to ensure just treatment of an individual or group of individuals; general assistance, through the intervention of an outside agency to help individuals or groups of individuals to cope with life under occupation; and protection by publicity, through the presence and attention of the international media.

3. With regard to legal protection, general assistance and protection by publicity, the United Nations already engages in a wide variety of activities aimed at ensuring the safety, protection and well-being of the Palestinian civilian population (see parts III and IV of the present report). Options for enhanced international protection activities and mechanisms that are considered in the present report include:

(a) A more robust United Nations presence on the ground: additional human rights, coordination and political officers could be deployed to provide enhanced monitoring, reporting and situational analysis, to coordinate United Nations activities, to strengthen the Organization's preventive capacities, to increase its visibility and to demonstrate the international community's focus on and commitment to protecting Palestinian civilians under Israeli occupation;

(b) Additional resources and better humanitarian access to ensure the well-being of the civilian population: the expansion of current United Nations programmatic, development and humanitarian assistance could be used to address the needs of Palestinian civilians under Israeli occupation and to strengthen Palestinian institutions more effectively;

(c) Dedicated civilian observers: a civilian observer mission (deployed by the United Nations or a third party) could be established, with a specific mandate to report on protection and well-being issues and to provide local mediation. This would be particularly relevant in sensitive areas, such as checkpoints, the Gaza fence and areas near settlements;

(d) Physical protection: the United Nations, if mandated to do so, could deploy armed military or police forces to act as a deterrent and, if necessary, to ensure the safety of the civilian population. Alternatively, instead of establishing a dedicated United Nations mission, groups of like-minded Member States operating under a United Nations mandate could provide physical protection.

4. For each of these options to be viable, the cooperation of the parties, a sustained cessation of hostilities and additional resources would be necessary. In addition, in the case of the physical protection option, a United Nations mandate would be required, as it would be if the civilian observer mission took the form of a United Nations mission.

II. Introduction

5. Information on the political, security and socioeconomic situation in the Occupied Palestinian Territory is provided regularly to United Nations bodies, including through the monthly Security Council briefings on the situation in the Middle East, reporting on the implementation of Security Council resolution 2334 (2016); the annual reports of the Office of the Special Coordinator for the Middle East Peace Process to the Ad Hoc Liaison Committee for the Coordination of the International Assistance to Palestinians; and reports from the Secretary-General to the General Assembly and the Economic and Social Council, and from the United Nations High Commissioner for Human Rights highlighting the human rights situation and related Israeli practices in the Occupied Palestinian Territory.

6. As noted in the report of the Middle East Quartet of 2016, negative trends with regard to settlement-related activity, violence and incitement, the absence of Palestinian unity and militant build-up in Gaza imperil the viability of the two-State solution. The Quartet and the Security Council have emphasized the urgent need to stabilize the situation, reverse those trends and create the conditions for a return to meaningful negotiations on the basis of the two-State solution, in line with relevant United Nations resolutions, international law and previous agreements.

7. Settlement expansion continues unabated and constitutes a flagrant violation under international law. The expansion and construction of settlements; efforts to legalize settlement outposts under Israeli law; declarations of land in Area C for exclusive Israeli use as, inter alia, closed military zones; the demolition of property owned by Palestinians; the prevention of Palestinian development; and settler violence are major obstacles to peace. Recent legal and legislative developments in Israel could also change long-standing norms and practices by enabling, under certain circumstances, the use of privately owned Palestinian land for settlement purposes.

8. Violence against civilians, terrorist attacks and militant build-up and activities in Gaza, as well as a lack of accountability, add to the cycle of violence and present serious obstacles to peace. The continued closures imposed on Gaza compound an already dire humanitarian situation. The indiscriminate launching of rockets, mortars and incendiary devices from Gaza towards Israel by Hamas and other Palestinian militants and the digging of tunnels crossing into Israel threaten the lives of Palestinians and Israelis alike. The high number of Palestinians, including children, killed in protests at the Gaza fence since 30 March 2018 reflects an alarming trend in the use of lethal force by Israeli security forces against individuals who may not pose a threat of imminent death or serious injury to others. Reported incidents of excessive use of force by Israeli law enforcement officials have also been a long-standing concern in the West Bank. The detention of Palestinian children by Israel remains of particular concern. Incitement, provocative rhetoric and the glorification of terror

attacks by Palestinian factions perpetuate the conflict, breed mistrust and diminish hope for constructive dialogue.

9. In Gaza, in addition to the closures imposed, 2 million Palestinians live under the rule of Hamas and its increasingly separate legal and administrative system. To date, Fatah and Hamas have failed to demonstrate the necessary commitment to advancing reconciliation, which has exacerbated the dire humanitarian and economic situation and undermined stability. Hamas and other militant groups have previously used civilians as covers for militant activities, carried out extrajudicial executions and used the death penalty, in contravention of Palestinian and international legal obligations.

10. Policies and measures related to the protracted military occupation by Israel and the security measures that it has implemented have a severe impact on the lives of Palestinians in the Occupied Palestinian Territory, including their ability to travel, study, trade and receive basic services. Agreements among the parties and unilateral actions over the past decades have created a reality in which Palestinians in the Occupied Palestinian Territory are subject to different ruling authorities and legal frameworks. In areas A and B, where some 90 per cent of the Palestinian population of the West Bank resides, the Palestinian Authority exercises significant control over governance, civil affairs and civil security. However, Palestinians in Area C of the West Bank live under the full control of the Israeli military authorities, and in East Jerusalem under Israeli civilian laws and institutions.

11. The shrinking space for civil society organizations and human rights defenders remains a cause for concern. There have been incidents where the Palestinian Authority and Hamas have taken actions that have resulted in limits on freedom of expression and, in some cases, arbitrary arrests and the violent suppression of protests. Israel has imposed new restrictions and requirements that could have an impact on Israeli human rights organizations, including some that carry out advocacy work or provide direct humanitarian or legal assistance to Palestinians in the Occupied Palestinian Territory. The Israeli authorities have also detained Palestinians or restricted their movements for exercising their right to freedom of expression.

III. Current United Nations efforts for the protection of Palestinians

12. United Nations deployment in the Occupied Palestinian Territory includes the Office of the Special Coordinator for the Middle East Peace Process and 19 resident and 4 non-resident funds, programmes and specialized agencies, employing a total of around 800 staff, in addition to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). Together, they carry out activities aimed at protecting Palestinians, in the form of diplomacy; support for the Palestinian State and institution-building; the provision and coordination of humanitarian aid; monitoring, reporting and advocacy; and other programmatic assistance.

A. Diplomatic activities and preventive diplomacy

13. The Special Coordinator for the Middle East Peace Process represents the Secretary-General in discussions with the parties and the international community on all matters related to United Nations support for the peace process, including the Quartet. The Special Coordinator regularly engages in preventive diplomacy aimed at reducing tensions, preventing violent escalations and mediating among the parties. Diplomatic activities include intensive discussions at the highest levels with the Israeli and Palestinian authorities, as well as with key regional and international actors. The Special Coordinator also engages actively with religious leaders and civil

society groups with a view to countering radicalization and violent extremism. In addition, the Special Coordinator supports intra-Palestinian reconciliation, with the goal of returning Gaza to the full control of the Government of the State of Palestine, based on the principles of the Palestine Liberation Organization and the Quartet.

B. Support for the Palestinian State and institution-building

14. In his capacity as Personal Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority, the Special Coordinator supports the work of the United Nations country team in strengthening Palestinian institutions. During 11 years of political division between the West Bank and Gaza and the cycle of violence between Israel and Hamas, the United Nations has striven to mitigate the heavy economic and humanitarian toll taken on Palestinians and on the Palestinian national project.

C. Coordination of humanitarian aid

15. A key pillar of the mandate of the Office for the Coordination of Humanitarian Affairs is the coordination of effective and principled humanitarian action in partnership with national and international actors. The Office is responsible, therefore, for bringing together humanitarian actors to ensure a coherent response to emergencies, with the aim of assisting Palestinians in the Occupied Palestinian Territory when they most need relief or protection. The implementation of the humanitarian country team's policies is coordinated by an inter-cluster coordination group, led by the Office. Many of the responses provided by the various clusters are aimed at addressing protection-related issues.

16. While protection considerations are mainstreamed across the system, the protection cluster, coordinated by the Office of the United Nations High Commissioner for Human Rights (OHCHR), plays a key role in coordinating the provision of specific responses by United Nations and non-United Nations humanitarian organizations aimed at preventing, averting or mitigating protection risks resulting from the occupation, violence and human rights violations. Such interventions include monitoring and documenting violations; carrying out rights-based advocacy among duty bearers; deploying a protective presence for communities at risk; and providing legal and psychosocial support.

17. In addition to promoting coordination among the Government of the State of Palestine, the United Nations, the international community and the Government of Israel for the delivery of assistance in the Occupied Palestinian Territory, the Office of the Special Coordinator for the Middle East Peace Process has also played a central role in facilitating the work of the Gaza Reconstruction Mechanism after the hostilities in 2014.

D. Monitoring, reporting and advocacy

18. The work of OHCHR and the United Nations Children's Fund in regularly monitoring and reporting on the human rights situation provides a detailed and extensive resource for Member State action and allows the United Nations to raise protection concerns in real time with the Israeli and the Palestinian authorities on the ground. United Nations human rights officers deployed by OHCHR in the Occupied Palestinian Territory regularly monitor the situation, record the testimonies of victims, their families and communities at risk of human rights violations, attend court hearings and, at times, monitor clashes and demonstrations. The mandate of

OHCHR includes monitoring human rights violations by the Palestinian Authority and the de facto authorities in Gaza, with a particular focus on detention, fair trial, the use of force, freedom of expression and assembly, the use of the death penalty and gender-related violations. The work of OHCHR is augmented by the reporting of Special Rapporteurs and several commissions of inquiry set up following instances of significant escalation and harm to civilians. The monitoring and analysis work feeds into the five mandated reports submitted annually to the General Assembly and the Human Rights Council.

19. The Office for the Coordination of Humanitarian Affairs, supported by partners, collects data covering a range of protection-related indicators, provides analysis and publishes a number of widely circulated and cited special focus reports and fact sheets on key protection concerns. The Office engages with all relevant duty bearers on access and protection issues and coordinates the humanitarian country team's advocacy work, which is aimed at ensuring that people in need are protected and that assistance is timely, and at increasing respect for international humanitarian law and international human rights law.

20. UNRWA engages with a range of political actors to raise awareness of the situation of Palestine refugees across the Middle East, in the absence of a just and lasting solution to their plight in accordance with General Assembly resolutions. Through its field staff, UNRWA monitors the protection of Palestine refugees and undertakes both private and public advocacy to raise awareness of protection threats among a range of different actors. It also engages with relevant duty bearers with a view to preventing violations of the rights of Palestine refugees under international law. When such violations do occur, it calls for accountability and remedial measures, including through cooperation with United Nations human rights mechanisms.

21. The monitoring on the ground carried out by the United Nations complements that of international and national non-governmental organizations, with activities and personnel specifically devoted to protection. In addition, the advocacy work of OHCHR aims at drawing attention to human rights concerns, specifically allegations of violations of individuals' rights and trends in violations of international human rights law and international humanitarian law, with a view to increasing protection and accountability.

22. A large number of Palestinian, international and Israeli non-governmental organizations constantly monitor the situation, provide real-time alerts, data and analysis on threats to Palestinian civilians and their human rights, and engage in public and legal advocacy for their protection. This network of non-governmental organizations is an integral part of international protection efforts, and many of its activities are sponsored by members of the international community.

E. Programmatic assistance

23. The report of the Secretary-General on assistance to the Palestinian people (A/73/84-E/2018/72) contains a recent assessment of the assistance provided by the United Nations to Palestinian individuals and communities in all geographic areas of the Occupied Palestinian Territory.

24. The needs of the Palestinian people and the intended United Nations response are reflected in several complementary strategic documents. Under the 2018–2020 Humanitarian Response Plan, $539.7 million was sought for 2018 to provide access to basic services and deliver assistance to 1.9 million vulnerable Palestinians. As at the end of July 2018, the Plan was 24.5 per cent funded and only 29 per cent of the

protection cluster's funding needs had been met.[1] The United Nations Development Assistance Framework 2018–2022 presents the United Nations strategic response to Palestinian development priorities contained in the National Policy Agenda for 2017–2022, in line with the 2030 Agenda for Sustainable Development.

25. In accordance with its mandate, UNRWA safeguards and advances the rights of Palestine refugees through its programmes, delivering services directly in the areas of education, health, relief, social services, microfinance, infrastructure and camp improvement. In 2017 and 2018, under its emergency programme, it provided food support to more than 1 million food-insecure refugees, mostly in the Gaza Strip. UNRWA also addresses vulnerability and external protection threats through targeted protection programmes, including programmes to empower and promote the resilience of Palestine refugees.

26. The United Nations coordinates and delivers humanitarian assistance in the areas of protection, shelter, food security, water and sanitation, health, nutrition and education, with a particular focus on individuals and communities in the Gaza Strip. As at June 2018, 950,000 litres of fuel had been provided every month, targeting 200–250 critical facilities. In Gaza, the United Nations has cleared aerial bomb sites and is supporting the safe removal of explosive remnants of war. In the West Bank, it has provided emergency agricultural support by restoring access to water for farming households and providing animal feed and in-kind support to farming and herding communities at risk of displacement.

27. Development assistance also continues to be provided throughout the Occupied Palestinian Territory in the areas of education, health, water and sanitation, employment, targeted social protection, food security and agriculture, environment, housing and urban development, rule of law, governance and human rights, with a specific focus on the most vulnerable groups. Young people, women and children have received specific attention, with targeted assistance focused on eliminating and responding to gender-based violence, enhancing capacities in the administration of juvenile justice, and empowering young people through skills training.

28. United Nations funds, programmes and specialized agencies operating in the Occupied Palestinian Territory provide technical assistance and capacity development to Palestinian institutions according to their mandate, with the aim of strengthening the ability of Palestinian institutions to serve and protect the Palestinian people. Employment opportunities for Palestinian workers have increased through United Nations job creation and business development programmes and management training courses.

29. Humanitarian mechanisms implemented by United Nations agencies and international and national non-governmental organizations in Gaza are well established and efficient, but lack the necessary resources. At the same time, donor-driven funding reductions for UNRWA and the humanitarian response, coupled with measures imposed by the Palestinian Authority, including salary cuts affecting at least 20,000 people in Gaza, have created an increasingly complicated and desperate socioeconomic environment. In response, the United Nations has taken steps to identify quick-impact projects, enhance project implementation capacity and strengthen coordination with the Palestinian Authority, Israel and Egypt. These efforts have three overall objectives: reducing the risk of a military conflict with potential regional implications; supporting Egyptian efforts to achieve intra-Palestinian reconciliation to fully empower the Government of the State of Palestine to take up its responsibilities in Gaza; and alleviating some of the underlying drivers of

[1] Financial Tracking Service, Humanitarian Financial Tracking System. Available at fts.unocha.org/appeals/633/summary (accessed on 26 July 2018).

humanitarian need by implementing projects that create jobs, improve water and electricity networks, and support the delivery of health services.

F. Legal protection

30. In the Goulding report, the Secretary-General concluded that the most effective way of ensuring the protection of the civilian population would be for Israel to apply in full the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (the Fourth Geneva Convention). To that end, he recommended that the Security Council consider making a solemn appeal to all the High Contracting Parties to the Fourth Geneva Convention that had diplomatic relations with Israel, drawing their attention to their obligation under article 1 of the Convention to "ensure respect for the present Convention in all circumstances". In its resolution 681 (1990) of 20 December 1990, the Council subsequently called upon the High Contracting Parties to ensure respect by Israel for its obligations under the Convention in accordance with article 1 thereof.

31. To the same end, the Secretary-General subsequently suggested in his report of 31 October 1990 (S/21919) that the Security Council might wish to call for a meeting of the High Contracting Parties to discuss possible measures that might be taken by them under the Convention to ensure Israel's respect for it. The Council, in its resolution 681 (1990), requested the Secretary-General, in cooperation with the International Committee of the Red Cross, to develop further the idea of convening a meeting of the High Contracting Parties and to invite the Parties to submit their views on the proposal.

32. The General Assembly subsequently implemented the idea and, in a series of resolutions adopted between 1997 and 1999, culminating in resolution ES-10/6 of 9 February 1999, recommended that the High Contracting Parties convene a conference on measures to enforce the Convention in the Occupied Palestinian Territory and to ensure respect thereof in accordance with article 1. A conference was held in 1999, at which participants reaffirmed the applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory, including East Jerusalem, and reiterated the need to ensure the full respect of its provisions in that Territory. In 2001, the conference was reconvened and participants called upon the occupying Power to fully and effectively respect the Fourth Geneva Convention in the Occupied Palestinian Territory, including East Jerusalem, and to refrain from violating the Convention. A second conference was convened in December 2014, at which participants made the same call. While the Government of Israel has consistently disputed the de jure applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory, since 1967 it has voluntarily applied the humanitarian provisions of the Convention in the Territory, with the exception of East Jerusalem, where it applies Israeli law.

33. The United Nations human rights framework strives to enhance the legal protection, safety and well-being of the Palestinian civilian population under Israeli occupation, ranging from engaging all duty bearers on their obligations under international law to operational activities on the ground. Bodies established under international human rights treaties provide advice to Israel, based on its obligations as an occupying Power, and to the Palestinian Authority, on their respective obligations towards the Palestinian population, and publicly highlight concerns over potential violations. Most of the treaty bodies also provide other States with a forum in which they can make complaints about non-compliance.

34. During the past three decades, the human rights situation in the Occupied Palestinian Territory has come under review by all the relevant United Nations bodies

and mechanisms entrusted with upholding international human rights law, as well as by the International Court of Justice and the International Criminal Court.

35. Reports and decisions by the Human Rights Council have included broad-ranging recommendations, ranging from calling on Israel and the Palestinian Authority to respect and uphold their human rights obligations, to recommending that the Security Council, if certain defined steps were not taken, refer the situation in Gaza to the Prosecutor of the International Criminal Court. The Human Rights Council has an agenda item (item 7) dedicated to the human rights situation in Palestine and other occupied Arab territories, which it considers at three regular annual sessions and, if needed, at special sessions. It also examines the situation in the context of the universal periodic review. The Human Rights Council will continue to serve as a forum in which protection concerns may be raised publicly for intergovernmental attention and action, notably through recommendations contained in resolutions adopted by the Council. The Council's independent special procedures, including the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, provide expert independent analysis of the human rights situation and may make public proposals that include measures to protect the Palestinian population. The Council has also established commissions of inquiry to investigate alleged violations and provide analysis, conclusions and recommendations on accountability for violations of international human rights and humanitarian law.

36. Israel has consistently refused to cooperate with the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967. Similarly, it has refused to cooperate with or permit access by successive commissions of inquiry and fact-finding missions established by the Council, claiming that such mechanisms are biased against Israel and have been politicized by its adversaries. Citing the same grounds, Israel has also refused to engage in Human Rights Council debates under agenda item 7. With respect to the treaty bodies, Israel has taken the position that its human rights obligations under the United Nations human rights conventions do not extend to the Occupied Palestinian Territory. All treaty bodies have rejected this position, as has the International Court of Justice, which confirmed the extraterritorial application of the human rights obligations of Israel to the Occupied Palestinian Territory in its 2004 advisory opinion.[2] The advisory opinion of the Court and relevant resolutions of the General Assembly and the Security Council also confirm the de jure applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory.

37. On 1 January 2015, the Government of the State of Palestine lodged a declaration under article 12 (3) of the Rome Statute of the International Criminal Court, accepting the exercise of jurisdiction by the Court with respect to alleged crimes committed in the Occupied Palestinian Territory, including East Jerusalem, since 13 June 2014. On 2 January 2015, the Government of the State of Palestine acceded to the Rome Statute by depositing its instrument of accession with the Secretary-General. The Rome Statute entered into force for the State of Palestine on 1 April 2015.

38. On 16 January 2015, the Prosecutor of the International Criminal Court announced the opening of a preliminary examination into the situation in Palestine to establish whether the Rome Statute criteria for opening an investigation were met. That preliminary examination is still ongoing. On 22 May 2018, the Prosecutor received a referral from the State of Palestine of the situation in Palestine since 13 June 2014 with no end date. This referral is without prejudice to the Prosecutor's ongoing preliminary examination.

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[2] *Legal Consequences of the Construction of a Wall in Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

39. The measures above reflect what the United Nations is already doing to ensure the protection of Palestinian civilians; however, these efforts fall short of addressing the concerns for protection of the Palestinian civilian population under Israeli occupation as expressed in General Assembly resolution ES-10/20.

IV. Additional options for protection

40. The present section provides a description and an analysis of possible additional options for protection that Member States might wish to consider as an international protection mechanism, as requested by the General Assembly in its resolution ES-10/20.

Additional resources

41. To enable an enhanced and more visible international presence, additional resources, both human and financial, will be fundamental. However, assistance to and protection operations for Palestinians in the Occupied Palestinian Territory by the United Nations already suffer from an acute shortage of funding. As noted above, only a quarter of the funding needed for the 2018–2020 Humanitarian Response Plan has been provided. In addition, pledges made in 2014 for the reconstruction of Gaza have not been fully honoured by donors. Emergency assistance to Gaza is also constantly at risk of running short of what is needed. The Office of the Special Coordinator for the Middle East Peace Process is currently leading an effort to raise funds for the enhancement of the Organization's capacity to implement projects in Gaza, as well as for the projects themselves, including critical water and electricity infrastructure initiatives.

42. Of particular concern is the unprecedented shortfall in funding for UNRWA. The Agency has had to begin making painful cuts to its emergency assistance in the Occupied Palestinian Territory, including the termination or reduction in working hours of a small portion of its workforce in July. In Gaza, UNRWA has witnessed serious disruption following the announcement of those measures. The Agency's core services, including providing education to some 300,000 children in the Occupied Palestinian Territory, are at risk. Any disruption to the Agency's mandated services would cause hardship to already vulnerable Palestine refugees and could result in increased instability in the Middle East region.

Dedicated civilian observers

43. Although it does not involve physical protection through the potential or actual use of armed force, protection through the presence of unarmed observers (whether police or civilian, and whether deployed by the United Nations or a third party) is another option to be considered. Such a presence could, in cases where gaps are identified in existing monitoring and reporting mechanisms, be deployed provided that the situation on the ground permits. It is worth noting that, in the past, such mechanisms have been deployed by groups of like-minded Member States. An observer mission would normally be deployed to monitor a verifiable ceasefire or other agreement, as part of a transitional framework accepted by all the relevant parties. If such a mission took the form of a United Nations mission, a United Nations mandate would be required.

44. The deployment of an observer mission would require the consent and cooperation of the parties concerned. Such consent and cooperation were and have been forthcoming in the case of the Temporary International Presence in Hebron, the mandate of which states that its observers — wearing a distinctive uniform with a special emblem — assist in monitoring and reporting efforts to maintain normal life

in the city of Hebron, thus creating a sense of security among the Palestinians in Hebron.

Physical protection

45. Physical protection was defined in the Goulding report as "the provision of armed forces to deter, and if necessary fight, any threats to the safety of the protected persons." However, it was concluded in the report that options for physical protection presented very real difficulties and were not practicable at the time, citing the lack of consent on the part of Israel and the concern that the deployment of such a force would detract from the occupying Power's responsibilities under the Fourth Geneva Convention. These observations remain as valid today as they were three decades ago. The existing mandates established by the Security Council for the Organization's missions in the area do not provide for the protection of civilians. It would be up to the members of the Security Council to consider whether to expand any existing mandate in the region.

Protection through United Nations administration

46. In July 2014, during the conflict in the Gaza Strip and southern Israel, the President of the State of Palestine wrote to the President of the Security Council requesting that the territory of the State of Palestine be placed under an international protection system by the United Nations, with the central aim of ensuring the protection of the Palestinian people living in Gaza (S/2014/514).

47. The Secretariat undertook an internal review of historical precedents for regimes that have been devised over the course of the past 100 years to provide varying forms of protection for areas of territory and their inhabitants. The Secretary-General subsequently shared that review with the members of the Security Council in October 2015 (S/2015/809).

48. With respect to the instances of administration of territory by the League of Nations or the United Nations that appear in the review, their practicability would depend upon the consent and the cooperation of the relevant parties, including Israel. Whatever potential value such regimes might have in the present context lies in how they might assist in the implementation of a negotiated settlement of the conflict or as transitional arrangements on a negotiated path to a two-State solution.

V. Observations

49. The protection of civilians is a critical component in maintaining peace and security and in the prevention agenda that I laid out in May 2017, which prioritizes United Nations action to help countries to avert the outbreak of crises that take a high toll on humanity, undermining institutions and capacities to achieve peace and development. As detailed in the present report, the United Nations is already undertaking many protection initiatives. However, the measures taken fall short of the protection concerns for the Palestinian civilian population mentioned in General Assembly resolution ES-10/20. While the underlying solution for all protection challenges is political, until such a solution is achieved, Member States may further explore all practical and feasible measures that will significantly improve the protection of the Palestinian civilian population. Such measures will also improve the security of Israeli civilians.

50. In accordance with international human rights law, everyone must uphold and ensure respect for the right to life. While allowing States to take actions necessary for protecting their security, international law, including principles that are codified in

the Fourth Geneva Convention, obliges all States and non-State parties to a conflict to ensure respect for the sanctity of life, including through the principles of distinction, precaution and proportionality. The targeting of civilians, particularly children, is unacceptable. I call upon all concerned to refrain from any act that could place civilians in harm's way. I remind all parties of their obligations under international humanitarian law to protect civilians and civilian infrastructure, not to make civilian infrastructure the object of attack, to respect and protect medical personnel, and not to direct attacks against hospitals and other medical facilities, as recalled by the Security Council in its resolution 2286 (2016). Those responsible for violations of international humanitarian law must be held accountable.

51. After more than 50 years of Israeli military occupation, Palestinians in the West Bank, including East Jerusalem, and in the Gaza Strip remain particularly vulnerable to violence, intimidation, loss of property and income, and various violations of international humanitarian and human rights law. The combination of a prolonged military occupation, constant security threats, weak political institutions and a deadlocked peace process provides for a protection challenge that is highly complex politically, legally and practically. Operations in Gaza also face difficulties for security and financial reasons. All duty bearers have responsibilities for the protection of Palestinian civilians in accordance with the applicable law. As detailed in the present report, the United Nations will continue to employ means to protect Palestinian civilians under these challenging circumstances.

52. Even in the current absence of a final status agreement, opportunities are also available for increased efforts by the United Nations to mediate and facilitate understanding with regard to the protection of civilians and critical civilian infrastructure, as well as with regard to incremental steps leading towards the resolution of political stalemates. The expansion of existing protection mechanisms to prevent and deter future violations could be explored, including but not limited to the deployment of additional political affairs, human rights and coordination officers to enable enhanced monitoring, situational analysis and coordination of protective presence and protection responses. The deployment by the United Nations of armed military, armed or unarmed police forces or unarmed observers, whether military or civilian, would require a United Nations mandate and the consent and cooperation of the relevant parties on the ground.

53. It is crucial that ongoing United Nations efforts to ensure Palestinians' protection, safety and well-being be maintained and strengthened, particularly in the light of the current financial shortfalls faced by humanitarian and development agencies on the ground, in particular UNRWA. I urge all Member States to step up their financial contributions and political support for these efforts.

54. I reiterate the call that I made before the Human Rights Council in 2017, that we must speak up for human rights in an impartial way, without double standards, not allowing them to be instrumentalized as a political tool, while upholding the rule of law and the need for justice and accountability. I call upon all Member States to work with me and with the parties to help them to secure their rights and to fulfil their obligations in full equality and humanity and in accordance with international law.

55. Support for efforts to return Gaza to the control of the Government of the State of Palestine, in line with the principles of the Palestine Liberation Organization and the Quartet, is critical to the long-term protection of Palestinians in Gaza and the alleviation of the dire humanitarian and economic situation, through a lifting of the Israeli closures, in line with Security Council resolution 1860 (2009). I strongly support the effort being led by the Special Coordinator for the Middle East Peace Process to fast track critical infrastructure projects in Gaza. This collaborative approach, which addresses the political, security, economic and humanitarian

dimensions of the situation in the Occupied Palestinian Territory, in accordance with United Nations resolutions, exemplifies my vision of a United Nations system — humanitarian, development and political — working together to achieve shared political objectives.

56. Increased United Nations efforts, including through the Quartet, in support of achieving a lasting political resolution to the conflict are critical, as ultimately such a resolution is the only way to achieve the full protection of Palestinians. This tragedy underlines the urgency of revitalizing the peace process. It is only by realizing the vision of two States living side-by-side in peace, security and mutual recognition, with Jerusalem as the capital of Israel and the State of Palestine, and all final status issues resolved permanently through negotiations, that the legitimate aspirations of both peoples will be achieved.